

**Disqualification under the Childcare Act 2006 - Staff Declaration Form**

**HR Service**

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| **School** | **Date issued:** |  |
| **Date to be returned:**  |  |

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| Important changes to the disqualification criteria for schools came into effect from 31.08.18 as a result of the implementation of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”. It means that schools are no longer required to establish whether a member of staff providing or employed in childcare is “disqualified by association”. This form has been amended to ensure that schools no longer ask staff questions about cautions or convictions of someone living or working in their household. The new regulations are available here:<http://www.legislation.gov.uk/uksi/2018/794/contents/made>. The updated regulations, however, continue to apply to local authorities, maintained schools, academies and free schools who provide child care (defined as education or supervision) for children aged up to 8 years’ old to ensure that all staff employed by the school or local authority; those undertaking training in schools (both salaried and unsalaried); casual workers and volunteers) providing child care are not disqualified from doing so under the 2018 Regulations. The HR Service has produced a separate Policy and Guidance document, please refer to paragraph 5, Staff covered in relevant settings. This document should be made available to all staff. A staff member may be disqualified under the Regulations if they:1. Have certain orders or other restrictions placed upon themselves; and/or
2. Have a conviction (not time limited) or a caution ( if post-2007) for a relevant offence; and/or

The DfE has re-issued two documents containing (a) revised Statutory Guidance and (b) Appendices containing Tables A and B and other relevant Annexes updated 31.8.18. Both documents are available here: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>**Your post is understood to come under the remit of the 2018 Regulations and therefore you are required by the school (the relevant child care provider) to complete and sign the declaration below confirming that you are not disqualified under the 2018 Regulations.** **You should complete the form immediately and return to the head teacher by the date given at the top of this form.** A disqualified person is not permitted to provide childcare in a relevant setting unless they are granted a waiver from OFSTED. <http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers>. Should you be required to apply for a waiver, support will be provided by your head teacher to complete the waiver process if required, but the application is to be made by the disqualified person. All of the additional information referred to in this form is available from the school office and in the above links to the appropriate website.*Important Note: The information supplied by you will be processed in accordance with the Data Protection Act 2018 and the requirements of the General Data Protection Regulation 2018) (‘GDPR 2018’. The Childcare (Disqualification) Regulations 2018 require the child care provider (in this case the school) to pass information as to those who are disqualified to OFSTED; such action will not be considered a breach of the General Data Protection Regulation. Declarations for those who are not disqualified from providing child care in a relevant setting will be treated with the utmost confidentiality and held in accordance with the DPA 2018 and GDPR 2018.* |
| **Name** |  | **Post****held** |  |
| Reason Covered by 2018 Regulations  |  |
| Please circle one option for every question |
| **Section 1 – Orders or other restrictions**  |  |
| Have **you** been subject to an order, a refusal for registration, or disqualified through other provisions, in any circumstances of the kind specified in **Table B**?  | YES / NO |

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| **Section 2 – Specified and Statutory Offences** |  |
| Have **you** been cautioned (including a reprimand or warning) since 6 April 2007 or have **you** ever been convicted of: |  |
| * Any offence against or involving a child *(NB: a child is a person under the age of 18)*?
 | YES / NO |
| * Any violent\* or sexual offence against an adult?

*(\*NB: a violent offence includes but is not limited to murder, manslaughter, kidnapping, false imprisonment, ABH, GBH)* | YES / NO |
| * Any offence under the Sexual Offences Act 1956 or 2003?
 | YES / NO |
| * Any other relevant offence?

The DfE has provided a table (**Table A**) which usefully lists a number of the relevant offences: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/741597/APPENDICES-Disqualification\_under\_the\_childcare\_act\_statguidance\_\_4\_.pdf*(NB: however, please note that this is not an exhaustive list and may new offences may be added)*.The legislative list is available from the school office or at the links below: http://www.legislation.gov.uk/uksi/2018/794/schedule/2/madehttp://www.legislation.gov.uk/uksi/2018/794/schedule/3/made(NB: if you are unsure if your offence is a relevant offence, it will be possible for the head teacher to obtain further advice from the HR Service to ensure you are covered by the 2018 Regulations). | YES / NO |
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| Have **you** ever been cautioned, reprimanded, given a warning for or convicted of any comparable offence in another country? | YES / NO |
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| **Section 4 – Provision of Information** |
| If you have answered YES to any of the questions above you should provide the details below. You may supply this information separately if you so wish, but you must do so without delay.  |
| Type and date of the order of the order, conviction or caution: |  |
| Court or relevant body who made the order, conviction or caution: |  |
| If disqualification is from a conviction or a caution (post-2007), please briefly provide the circumstances of the offence: |  |
| Where possible, please provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions, a DBS Certificate may be provided. |
| **Section 5 – Declaration** |
| In signing this form, I confirm the information provided is true to the best of my knowledge and belief: |
| * I understand my responsibilities to safeguard children.
 |
| * I declare that I understand that I must notify my head teacher / manager immediately of any change of circumstances of myself which may be grounds for disqualification from providing child care under the2018 Regulations.
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| Signed |  |
| Print Name |  | Date |  |
| Important – Please return this completed form marked Private and Confidential to the Head teacher by the date required.  |

**Document History**

**JCNP Staffing Regulations Working Party September 2018**

**Senior HR Business Partner Andy Wilson**

**Lead HR Business Partner Francesca Waldrom/Ellen Cottee**

**Review date As per legislative changes**

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